THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.2423 OF 2006

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Dated: 10-02-2006

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Between

M/s. K.V.R. Stone Crushers, rep. by its

Partner, Katragadda Chittranjanda,

S/o. Veera Raghavaiah, R/o.26/2/1789,

Vedayapalem, Nellore District.

...PETITIONER

AND

The Deputy Director of Mines and Geology,

Guntur, Guntur District and another.

...RESPONDENTS

ORDER:

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Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Industries.

Learned counsel for the petitioner submits that one

Mr. T. Venkata Krishna Reddy was a lessee in respect of Ac.10.00 in S.No.1080 of Vadlapudi Village with specific boundaries and the said land was taken on lease by one Mr. K. Venkata Ratnam, brother of

K. Chittaranjan Das, who are the managing partners of petitioner – stone crushers unit, vide Memorandum of Understanding (MOU) and an agreement on 10.08.1994 for a period of ten

years till 09.08.2004.

A quarry lease for road metal existed as on the date of MOU and pursuant to an agreement a further quarry lease was obtained for Ac.3.00 for a period of 50 years and the said extent of Ac.3.00 is different and distinct from Ac.10.00. The learned counsel further submits certain differences arose between K. Venkata Ratnam and

T.V. Krishna Reddy with regard to the quarry land of Ac.10.00. On a report filed by T. Venkata Reddy, S/o T.V. Krishna Reddy, a criminal case in Cr.No.126 of 2004 was registered by Manubolu Police against

K. Venakta Ratnam. Questioning the same the said Venkata Ratnam filed Crl.P.No.4250 of 2004 on the file of this Court to quash the said crime and pending disposal of the criminal petition this Court by order dated 14.09.2004 in Crl.MP.No.6290 of 2004 granted interim stay of arrest of K. Venkata Ratnam in Cr.No.126 of 2004 on condition of petitioner not to carry on the mining operation and transporting the material from the land in dispute.

Learned counsel for the petitioner further submits that the land in dispute is only Ac.10.00 but not the other Ac.3.00. As the said

T.V. Krishna Reddy interfered with the operations of the crusher the petitioner filed a suit in O.S.No.204 of 2005 on the file of the Junior Civil Judge, Gudur and obtained a temporary injunction on 22.12.2005 in I.A.No.1319 of 2005 restraining T.V. Krishna Reddy, T. Venku Reddy and P. Sivarama Naidu, from interfering with operations designed for the removal by the petitioner of the machinery, workmen sheds and the mineral stocked in the plaint schedule extent of Ac.3.00.

The learned counsel further submits that in spite of the interim order the said T.V. Krishna Reddy interfered with the operations of the petitioner and therefore, the petitioner filed another I.A.No.1392 of 2005 in I.A.No.1319 of 2005 in O.S.No.204 of 2005 for grant of police aid and the learned Junior Civil Judge by order dated 02.01.2006 allowed the said application directing the Superintendent of Police, Nellore to grant police aid to the petitioner to implement the order of the Court passed in I.A.No.1319 of 2005 dated 22.12.2005.

Learned counsel for the petitioner further submits that on 09.01.2006, the Mandal Revenue Inspector at the behest of

T.V. Krishna Reddy has taken over the Transit Passes (Sl.No.223 to 300) without any notice. Therefore, the petitioner approached the office of the Assistant Director of Mines and Geology for return of the passes. In turn, the Assistant Director passed an order in

Lr.No.644/Q2/96 dated 09.01.2006 stating that the T.V. Krishna Reddy and T. Venku Reddy brought to his notice that the petitioner is violating the orders of the High Court and transporting the crushed mineral from the crusher area. Therefore, in order to verify the facts, he needs to take up the survey of the area, whether the crusher falls within the disputed area or not. The petitioner was directed to produce all the necessary documents to decide the said factual aspect. Pursuant to the said letter dated 09.01.2006 the petitioner made a detailed representation on 11.01.2006 through a counsel before the second respondent producing all the relevant documents and requested to withdraw the said letter dated 09.01.2006 and give transit passes. The said representation has not been considered and disposed of.

Having regard to the facts and circumstances of the case,
the second respondent is directed to consider and dispose of the representation of the petitioner dated 11.01.2006 made through a counsel in accordance with law within two weeks from the date of receipt of a copy of this order. In the meanwhile, the right of the petitioner for transporting the mineral stocks in the plaint schedule extent of Ac.3.00, as directed by the learned Junior Civil Judge, Gudur by order dated 22.12.2005 in I.A.No.1319 of 2005 in O.S.No.204 of 2005, may not be interfered with.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

February 10, 2006

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